IN THE HIGH COURT OF JUDICATURE FOR

RAJASTHAN AT JODHPUR

::::

O R D E R

Gurbux Singh
vs.
State of Rajasthan & Ors.

S.B. CIVIL WRIT PETITION NO.3237/2003 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER :: 20th November, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.G.R. Goyal, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy. Govt. Advocate.

BY THE COURT

Grievance with which the petitioner has come up with the present petition is that while he upon attaining the age of superannuation retired from the service of respondents as Junior Engineer on 31st January, 1999, his promotion on the post of Assistant Engineer was made enormously delayed by order dated

31st March, 1998 although against the vacancies of the year 1982-83.

The Executive Officer, Municipal Board, Sadulsahar district Sriganganagar forwarded his revised last pay certificate (L.P.C.) to Dy. Director (Regional), Local Self Government, Jodhpur way back on 04th July, 1998 for revising his pension followed by reminders dated 01st January, 1999, 15th January, 1999 and 01st July, 1999. The respondent No.2 returned the pension papers to the Municipal Board vide letter dated 23rd September, 1999 with certain objections which were clarified and papers were resubmitted by the Board with their letter dated 12th October, 1999. Those papers were again returned back with certain more objections vide letter dated 22nd November, 1999 and then were again resubmitted by the Board after removing those objections with their letter dated 10th May, 2000. The Dy. Director (Regional) yet again for the third time returned the pension papers to the petitioner by raising certain queries with his letter dated 22nd March, 2001. Matter then came to rest with respondent No.3 Municipal Board.

While respondent No.3 Municipal Board has filed the reply to the writ petition stating that the last objections raised by the Dy. Director on third occasion were duly clarified and the papers have been resubmitted but the State Government and the Dy. Director

have chosen not to respond to the notice of this Court inspite of service.

The agony of the petitioner continues to persist even after 8½ years of the date of his promotion order passed on 31st March, 1998. It is regrettable that the respondents have handled the matter of a pensioner with such a callous and lackadisical approach so much so that when the matter was taken up more than three years after filing of writ petition, the Court was still informed that the pension of the petitioner has not been revised even up till now. It is not only a fit case for allowing the writ petition but also a case wherein the respondents should be saddled with reasonable amount of cost.

In the result, the writ petition is allowed. The respondents are directed to revise the pension of the petitioner within a period of two months from the date of service of copy of this judgment and pay to him the arrears of his revised pay and pension together with interest @ 6% per annum and shall also pay to the petitioner a sum of Rs.2,000/- as costs which amount shall be paid with the amount of arrears so paid.

The writ petition is accordingly allowed with costs.

[MOHAMMAD RAFIQ],J.

A.K.Chauhan/-